



1 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following  
2 reasons:

3 1. The defendant has entered a plea agreement with the United States that requires the  
4 defendant to cooperate with the United States in connection with its on-going investigation of a  
5 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun to  
6 cooperate with the United States in this investigation, which involves a number of potential co-  
7 conspirators and targets.

8 2. The defendant's Plea Agreement afford the defendant potential consideration for  
9 downward departures at the time of sentencing if the defendant has provided substantial  
10 assistance to the United States, including the possibility of a United States Sentencing Guideline  
11 (U.S.S.G.) § 5K1.1 Motion.

12 3. The United States anticipates future pleas, indictments and the possibility of one or  
13 more trials of co-conspirators and targets. These events may allow the defendant the opportunity  
14 to provide further cooperation as a witness, including the possibility of testifying at trial.  
15 Specifically, trial is set for March 3, 2014 for eleven co-defendants in *United States v. Benzer et*  
16 *al.*, Case No. 2:13-cr-00018-JCM-GWF (Doc. No. 96.). However, the United States expects the  
17 resolution of such cases, including any trials in any related cases, to be at least 8 months from the  
18 defendant's current sentencing date.

19 4. Counsel for the United States has spoken with counsel for the defendant and counsel  
20 has agreed that the requested continuance is in the best interest of justice, and counsel does not  
21 oppose the continuance sought herein. The defendant is not in custody.

22 5. Denial of this request for continuance would deny the parties sufficient time and  
23 opportunity to develop the defendant's cooperation against the related co-conspirators and  
24 targets and prepare related cases for prosecution.

25 6. Furthermore, denial of this request for continuance could result in a miscarriage of  
26 justice.





- c. The United States anticipates several additional pleas, indictments and trials in related cases, but not sooner than 8 months from now. Specifically, the defendant may be called to testify in *United States v. Benzer et al.*, Case No. 2:13-cr-00018-JCM-GWF.
- d. The parties need additional time to prepare the defendant's cooperation against other co-conspirators and targets.
- e. The defendant does not object to the continuance.
- f. The defendant is out of custody.

3. For all the above-stated reasons, the ends of justice would best be served by continuing the Sentencing date.

4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

### **ORDER**

**IT IS THEREFORE ORDERED** that the Sentencing date currently set for August 27, 2013, is vacated and is continued. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A). It is further ordered that the defendant's sentencing hearing is set for May 19, 2014, at the hour of 9:30 a.m., in Courtroom # 6A.

**DATED** June 21, 2013.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA, )

)

Plaintiff, )

)

v. )

)

ROSALIO ALCANTAR )

)

Defendant. )

)

CASE NO. 2:12-CR-113-JCM-VCF

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that this pleading was filed with the clerk of court via ECF and will be served electronically via ECF on all parties that have entered their appearances in this case.

Dated: June 19<sup>th</sup>, 2013

JEFFREY H. KNOX  
Chief, U.S. Department of Justice  
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall  
THOMAS B.W. HALL  
Trial Attorney, U.S. Dept. of Justice  
Criminal Division, Fraud Section